



W.P.(MD)No.18737 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18737 of 2025

M.Kutty Raja

... Petitioner

-VS-

1.The Managing Director,
State Express Transport Corporation (Tamil Nadu) Limited,
Pallavan Salai,
Chennai - 600 002.

2.The Branch Manager,
State Express Transport Corporation (Tamil Nadu) Limited,
Melur Main Road,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to keep the petitioner as Diesel Pump Operator until a suitable post is made available and pay the salary every month as per Section 20 (4) of the Rights of the Persons with Disabilities Act, 2016.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.K.Senthil Kumar
Standing Counsel



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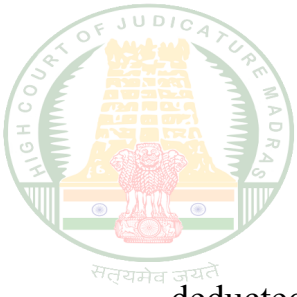
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ORDER

This Writ Petition has been filed seeking a direction to the respondents to retain the petitioner in service as a 'Diesel Pump Operator' until a suitable alternative post is made available and to pay monthly salary in accordance with Section 20(4) of the Rights of Persons with Disabilities Act, 2016.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he was originally appointed as a 'Driver' in the respondent Corporation. Due to health issues, including diabetes and heart disorders, he was referred to the Medical Board, which declared him unfit to continue in the Driver post. Consequently, he was kept as 'Diesel Pump Operator' in the second respondent Corporation from 2019 to 2021. Thereafter, he was placed on a waiting list without being provided an alternative post, in violation of the Rights of Persons with Disabilities Act, 2016. Despite making a representation on 18.06.2021, requesting alternative employment, the petitioner was only advised to go on medical leave and his earned leave was wrongly



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deducted for salary payment. Aggrieved by this, he filed W.P.(MD)No.11497 of 2021. This Court, by order dated 03.07.2024, directed the respondents to assign him continuous alternative light duty without break in service, subject to periodical medical review.

4. Pursuant to the aforesaid order, the petitioner was allowed to work as a 'Diesel Pump Operator'. However, on 21.05.2025, he was again sent for medical review and on 06.06.2025, he was not allowed to continue in the Diesel Pump Operator role. Though he sent a representation on 07.06.2025, he was orally instructed to work as a 'Computer Operator', a role for which he is unqualified due to lack of computer knowledge. When he expressed his inability to take up the post, the second respondent allegedly threatened him to quit the job. Since then, the petitioner has not been assigned any alternative job, causing undue hardship and loss of income. Therefore, the petitioner prays for a direction to retain him in the post of 'Diesel Pump Operator' or provide him with a suitable alternative job and to ensure the payment of monthly salary as per Section 20(4) of the Rights of Persons with Disabilities Act, 2016.



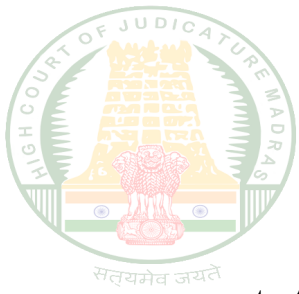
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5. Heard both sides.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 12.06.2025, on its own merits and pass appropriate orders in accordance with law after giving due opportunity to the petitioner, within a period of one month from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is



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open to the respondents to consider the same on its own merits.

8. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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